

REMARKS

Claims 1, 2, 4 – 12 and 26 - 29 are pending in the application. Claims 26 – 29 are allowed. Claims 1, 2, 4, 6 – 12 are rejected. Claim 5 is amended. Claims 1, 2, 4 – 12 and 26 - 29 remain for consideration.

Claim Rejections – 35 USC §103(a)

The Examiner rejects claims 1, 2, 4 and 6-11 as being unpatentable over Yu (U.S. Publication No. 2002/0072424 A1) in view of You (U.S. Patent No. 5,997,970). The Examiner states that:

Claims 1, 2, 4, and 6-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yu in view of You.

As noted in the previous action Yu's cue includes a wooden portion 66 and fiber reinforced portions 68 and 64, which comprise fibers layered over a core portion at either side of the wooden portion. Where the 66, 68, and 64 meet there is a smooth transition as can be seen in Fig. 6. Therefore the fiber covered portions 64 and 68 necessarily require a recessed core portion relative to the wooden portion 66 to accommodate the increased diameter caused by the fiber portions which have an outer diameter which matches that of wooden portion 66 at their juncture points.

Concerning the metallic screen, Yu discloses the use of carbon fibers. However, titanium fibers are also known and used in the art as disclosed by You. It would have been obvious to one of ordinary skill in the art to have used such fibers as Yu's fibers to obtain a particular strength/flexibility characteristic provided by those fibers. A layer with these fibers may be considered the claimed screen.

The Examiner states that Yu's "fiber covered portions 64 and 68 necessarily require a recessed core portion relative to the wooden portion 66 to accommodate the increased diameter caused by the fiber portions which have an outer diameter which matches that of wooden portion 66 at their juncture points". However, Yu has no such teachings. Instead, Yu teaches a billiard cue having at least one segment consisting of an outer casing which is made of a fiber-reinforced plastic material and is covered with a wooden sheath and a protective layer. Yu requires no recessed area to accommodate the strengthening wrap because an entire length of a segment is comprised of layers of various materials. In contrast, applicant's claimed cue stick has requires a recessed area to accommodate a strengthening wrap "at a location selected from a group consisting of approximately adjacent an interface between said grip portion and said slide potion and approximately adjacent said tip".

In particular, with respect to Yu's embodiment of Fig. 1, "The main body 12 is formed of only one segment and has an outer casing 122 which is made of a thermoplastic or thermosetting fiber-reinforced plastic material . . . (para. [0019])". No recessed areas are shown.

With respect to Yu's embodiment of Fig. 4, the billiard cue has a rodlike

main body 32 consisting of a first segment 34 and a second segment 36 (para. [0023]). The first segment 34 is made of a wooden material. The second segment 36 has an outer casing (not shown in the drawing) of a fiber-reinforced plastic material . . . (para. [0023] lines 5 – 9).

Figs. 5 – 7 show billiard cues comprised of two segments (Fig. 5), three segments (Fig. 6) and four segments (Fig. 7). In each case, the fiber reinforced material covers the *entire length* of the segment. Yu teaches no embodiments having, “a recessed area defined by one of said grip portion and said slide portion . . . [and] a strengthening wrap received in said recessed area” as is claimed in Applicant’s independent claim 1.

Applicant, therefore requests reconsideration of the rejection of claim 1 and allowance of claim 1.

Regarding claim 2, The Examiner states that Yu discloses the claimed structure would inherently perform the claimed function.

Dependent claim 2 depends from independent claim 1, which is submitted to be patentable. Claim 2 is submitted to be patentable for at least this reason.

Regarding claims 7-9, the Examiner states that Yu discloses the use of carbon fibers. The Examiner takes official notice that graphite, fiberglass, and Kevlar are commonly known and used in such applications as well. The Examiner concludes that it

would have been obvious to one of ordinary skill in the art to have used such fibers as Yu's fibers to obtain a particular strength/flexibility characteristic provided by those fibers. Concerning claim 10, the Examiner takes official notice that metal ferrules are commonly known and used in conjunction with cue tips to fasten such to the stick and states that it would have been obvious to one of ordinary skill in the art to have used the same to fasten Yu's tip. The Examiner rejects Claim 12 under 35 U.S.C. 103(a) as being unpatentable over Yu in view of Mancuso and You.

With regards to dependent claims 7 -10 and 12, each of these claims depend, at least indirectly, from independent claim 1, which is submitted to be patentable for the reasons set forth above. Applicant asserts that dependent claims 7 – 10 and 12 are patentable for at least this reason.

Claim Objections

Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 5 has been rewritten in independent form as suggested by the Examiner. Applicant submits that claim 5 is now in condition for allowance.

Allowed Claims

Applicant notes the Examiner's indication of allowance of claims 26 – 29.

Considering the foregoing, it is sincerely believed that all pending claims in this case are in condition for allowance, which is respectfully requested.

This paper is intended to constitute a complete response to the outstanding Office Action. Please contact the undersigned if it appears that a portion of this response is missing or if there remain any additional matters to resolve. If the Examiner feels that processing of the application can be expedited in any respect by a personal conference, please consider this an invitation to contact the undersigned by phone.

Respectfully submitted,

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